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BELIEVED UNCONSTITUTIONAL.

County Court Declined on That Account to Elect a Chairman Monday.

County court met in quarterly session Monday at nine o'clock. After reading his quarterly report and same had been adopted, Judge G. P. Burnett informed the court that he had learned through the public press that a bill had passed both houses of the legislature abolishing the office of county judge of Cumberland county, but that he did not know that the act had been signed by the governor and that since he had received no official notice, he would decline to vacate the office.

He further stated that on legal advice, coupled with his personal investigation, he was of the opinion that the act was unconstitutional so far as removing him from the office to which he had been elected by the people. He further read a personal letter from T. A. Wright, of Knoxville, in which Mr. Wright expressed the belief that the act was unconstitutional so far as removing Judge Burnett from office was concerned and that he thought it very probable that the act was unconstitutional in any event for reasons stated.

After reading the letter from Mr. Wright, Judge Burnett asked the court what action they wished to take in the matter and Esq. R. A. Powell presented a resolution stating that the court believed the act unconstitutional and declining to take any action looking to the election of a chairman. On roll call all justices present, except J. A. Frey, voted in favor of the resolution. Mr. Frey declined to vote. Of the thirteen men who make up the court all were present except Esq. G. W. Houston, of the Fifth district. The letter from T. A. Wright follows:

OPINION OF T. A. WRIGHT:

Knoxville, Tenn., April 1st, 1915.
Hon. George P. Burnett,
Crossville, Tenn.

Dear Sir:

I am in receipt of your letter of the 31st enclosing copy of proposed bill to repeal the Act creating the office of County Judge in Cumberland County. I am of the opinion that the decision in the case of State vs. Leonard, 2nd Pickle, is still the law of this State with reference to County Judges and I am of the opinion that this Act could not take effect so as to interfere with the present tenure of the County Judge of Cumberland County and as that is the whole purpose of the Act I do not believe, if this Act should be passed, that the County Court of Cumberland County could elect a chairman under it. Certainly not until the expiration of the term of the present County Judge, and I am inclined to believe, although I have not given that question much consideration, that the Act would not take effect then, inasmuch as the whole purpose of the Act is to repeal the Act so as to make it take effect at once. I am inclined to the opinion that the Act is void. If the Act does pass and you desire to have the question looked into more extensively, I will be glad to do so.

Yours very truly,

T. A. Wright.

Judge Burnett expects to fight the act in the courts of the state, if necessary, and in the light of past decisions he has a good chance to win his case, at least, to the extent of being permitted to hold the office for the next two years, which will complete the term for which he was elected by the people of the county. The next move belongs to Senator T. E. Wilson, or some one in sympathy with him, to force the retirement of Judge Burnett.

COURT RESOLUTION.

Following is the resolution passed by the court relative to the abolishing the office of county judge:

"Whereas, it has been unofficially reported that a bill has been passed by the legislature attempting to abolish the office of County Judge of Cumberland County;

And, whereas, we do not recognize the right of the legislature to abolish said office,

Therefore, be it resolved by the County Court of said County, that we refuse to recognize the legality of any Act attempting to abolish said office and we refuse to elect a Chairman to preside over said court until our right to do so has been legally established."

PROSPECTS BRIGHTEN FOR US TO GET DIXIE HIGHWAY

C. E. James, President Dixie Highway Association, Designates the Route Through Tennessee to Pass Through Crossville.

Within a week much activity has developed relative to the Dixie Highway project and there is much sparring going on through the press and Nashville is bending every effort to bring the road via that city.

C. E. James, president of the Dixie Highway association, has designated the route through Tennessee to begin at the Tennessee-Kentucky state line at a point near Albany, Kentucky, thence south passing near Byrdstown, through Jamestown, Crossville, Pikeville and via Signal Mountain into Chattanooga.

Mr. James did this as the outcome of the attitude of the governors in allowing politics to work a very detrimental part to the Short Route, which follows the line just mentioned. Elsewhere in this issue will be found the statement of Mr. James, which shows conclusively that the governors connived from the first to defeat the Short Route and in order to accomplish that end violated their original agreement. This action Mr. James and his associates, who hold the charter for the Dixie Highway, have decided not to stand and the road will be built through Crossville and the other points named on the Short Route.

All the directors have been appointed by the various governors and a meeting is expected soon. As was expected, Governor Rye appointed two men favorable to the Nashville route: Col. A. M. Shook, of Nashville, and Judge M. M. Allison, Chattanooga. Judge Allison has been favorable to the Nashville route all the time. It is claimed the road via Nashville will pass near property owned by him.

Nashville started an automobile party over the proposed route via Mammoth Cave the first of the week and expects to arouse so much interest and enthusiasm that the men appointed by the governors will favor that route. That will effect nothing for the men who hold the Dixie Highway charter will never surrender it to have the road go via Nashville for that route is over 100 miles longer than the Short Route via Crossville. As a striking evidence that the route is sure to come via Crossville a telegram was received Monday by Judge G. P. Burnett which reads as follows:

"Chattanooga, Tenn., April 12.—County Judge, Crossville, Tenn. Please go to work immediately on construction of road between Crossville and Pikeville. Put engineers to work and get best location possible. DIXIE HIGHWAY ASSOCIATION, C. E. James, President."

The whole Short Route line is ablaze with excitement and determination and the road will certainly be built and it will be the real Dixie Highway under the charter held by the association at Chattanooga, regardless of what is done by Nashville or other points. The people of this county are aroused as never before over any question and are determined to carry this great project to a full completion so far as this county is concerned. Every other county along the Short Route is equally determined and there is scarcely a ghost of a chance for the road to fail to come this way.

ENABLING ACT.

The court passed a resolution appointing J. W. Dorton, Judge G. P. Burnett and Senator E. G. Tollett to draft an enabling act authorizing the county to issue \$200,000 in bonds, and present to the legislature when it convenes May 3. It is not expected that \$200,000 will be required, but the idea is to be prepared for any need that may present to the end that failure will be out of the question.

Judge C. E. Snodgrass presented a lengthy resolution to the county court yesterday authorizing the employment of a corps of engineers to locate the road through this county after a conference with the other counties on the Short Route and the Dixie Highway Association. The resolution passed the court unanimously. The men appointed to have charge of the engineer work are Judge G. P. Burnett, A. J. McGuire, former county surveyor, and E. G. Tollett.

Following are the

RESOLUTIONS:

Whereas, the Dixie Highway Association, a corporation, organized for the purpose and to which has been entrusted the building of a great natural highway, from Chicago to Miami, Florida, has signified its purpose to construct said highway through Cumberland county, via Crossville, Tennessee, as a section of said road; and,

Whereas, at an organization of the counties in Tennessee north of Chattanooga composing the Short Line route or section of said road between Chattanooga and the Kentucky line, the good faith of the authorities and people of said route, including ourselves, was pledged to the construction of said road to the Kentucky line; and,

Whereas, a similar pledge of the people north and south was made looking to the completion of said Dixie Highway, from its beginning on the great Lincoln Highway, at Chicago, to the extreme southern limit; and,

Whereas, nothing of more important material concern has ever come before our people demanding their immediate and energetic co-operation and activity; and,

Whereas, this court has already taken steps looking to securing this highway, and in connection with other authorities, has pledged its good faith and hearty co-operation therefore, be it,

Resolved, that a committee consisting of George P. Burnett, A. J. McGuire and E. G. Tollett be appointed to have charge of and direct the expenditure hereinafter provided, who, in connection with and after conference with the counties of Fentress and Blount, north and south of us, and after conference with said Dixie Highway Association, shall have power to employ a corps of surveyors and to locate and determine the route of said highway across Cumberland county via Crossville.

Be it further resolved, that the necessary expenses of this work shall be paid out of any funds available for such purpose upon the warrant of the county judge drawn upon such fund, that said committee shall keep an account of each item of expenditure and report same to the county court, when so required by said court, and that when the special fund for the building of said Dixie highway is provided the fund from which the foregoing preliminary expense is drawn shall be reimbursed from such special fund.

Be it further resolved, that we hereby renew and reaffirm the pledges made by our representatives to their sister counties and with them to the great national conference lately assembled in Chattanooga, to the Dixie Highway Association and to C. E. James, its official president, to whom we send greetings, encouragement and congratulations.

PART PLAYED BY POLITICS

Governors Rye, and McCrory, of Kentucky, Violate Agreement.

C. E. James has issued a statement showing how Governors McCrory, of Kentucky, and Rye, of Tennessee, played dirty politics in the highway matter and how they both violated their agreement. The statement of Mr. James follows:

WANTS PUBLIC TO KNOW ALL THE FACTS.

"I want the public to know all the facts in regard to the Dixie Highway meeting April 3, 1915, and what followed the meeting.

"The governors met early Saturday morning, April 3, 1915, at the Hotel Patten, and, besides the governors, there were present Judge Bachman,

Judge Allison, Senator Frazier, G. F. Milton, Richard Hardy and myself. Some of the governors stated that they would not take the responsibility of locating the road; that it would embarrass them in their respective states if they put the road at one place or another. A plan was then proposed by Gov. McCrory, of Kentucky, that the founders and the Chattanooga interest, which comprised the Automobile club, tourist bureau, chamber of commerce and all other organizations as members of the Dixie Highway association, be allowed seven directors, and that the governors of the seven states appoint two men from each state, or fourteen to be appointed by the governors, making a total board of twenty-one men, to locate the road. A resolution was drawn up on that basis, and carefully read over, and each of the governors agreed to it, in the presence or all the above witnesses. All parties at that conference then left with the full understanding that the matter was closed. Senator Frazier left at this time and did not know of the elimination until he heard it read at the Auditorium. The governors went in their parade and back to the hotel to review the cavalry. After the cavalry had passed the governors went up to a room in the Hotel Patten, as every one thought to sign the resolution, with the intention of going to the Auditorium and presenting it to the convention. When I got up to the room I found Gov. McCrory and Gov. Rye with three or four gentlemen standing over in one corner of the room talking. In a few minutes they came over to where all the other governors were and Gov. McCrory stated that he could not stand for that resolution; that his entire state had objected to it, including Lexington, which is known as the Blue Grass route, and that he wanted the Chattanooga contingent and every one connected with the Dixie Highway movement up to that time eliminated entirely, so far as the location of the road was concerned; and that he wanted the fourteen men whom the governors selected to locate the road. Gov. Rye stated that he would stand with Gov. McCrory. This was quite a surprise to all the other governors and to everyone else in the room. The Chattanooga people made appeals to them to allow the Dixie Highway association to have some representation on the board which located the road, but Gov. McCrory and Gov. Rye stood firm. All of the other governors expressed themselves freely at the time, to the effect that it was not fair to the Dixie Highway association or to Chattanooga, and they used their influence in speeches, not to eliminate us. Gov. Ralston, of Indiana; Lieut. Gov. Gordon, of Ohio; Gov. Slaton, of Georgia, all expressed this view. Gov. McCrory and Gov. Rye stood firm.

HOW CHATTANOOGA MEN WERE ELIMINATED.

"The Chattanooga people had done all they could to avoid friction and to avoid having any reflections cast upon them by the governors or the convention. Gov. Ralston called for a vote. Gov. McCrory voted to eliminate us. Gov. Ralston then called on Gov. Rye; he voted to eliminate us; Gov. Ralston then called on Gov. Slaton. Gov. Slaton stated that he thought the Dixie Highway association ought to be represented; that he was sorry the matter had gotten in its present shape, but in deference to the other governors who had already voted, he would vote with Gov. McCrory and Gov. Rye, but that he reserved the right to change his vote after he entered the convention if he desired. This made three votes, being a majority of the governors present and settled the case to the extent of eliminating Chattanooga from any participation in the location of the road.

"At the interview at 12:30 o'clock we still tried to get them to reconsider it, and it was finally agreed by all the Chattanooga parties present, that in order to avoid friction and to get the road started, we better agree to it. I very reluctantly acquiesced in what the other Chattanooga people agreed to do. I asked to be allowed to make a statement, which was agreed to. I told the governors that while we had been eliminated and I could not say

what the result would be, that so far as the Dixie Highway association was concerned, if they would appoint their two men from each state promptly and would make fair appointments, not partisans, and would not get the enterprise tangled up with politics, we would stand by them; but if it got into politics in any of the states and was not carried out promptly in a business-like way, we would withdraw from the whole governors' plan at the first sign of it being handled in a political way. That the Dixie Highway was a great enterprise and that politics had no place in it. I told them if it was done in accordance with the above, we would wait until the commissioners who were appointed, had formally located the road, provided the commissioners acted promptly. That if the road was located on broad lines from a point east of Chicago, Ill., to Miami, Fla., we would stand by it. If it was not, we would then withdraw. They fully understood the statement and a majority of the governors agreed with me. Some of them would have made their appointments before they went to the convention, but it was objected to. I knew then that politics would play a large part with the location of the road. We expected that all the appointments would be made not later than Monday. Gov. Slaton, of Georgia, made his appointments on Saturday. Gov. Ralston, of Indiana, made one of his appointments on Saturday.

ATTEMPTED TO PLEDGE MR. JAMES TO CERTAIN ROUTE.

"Monday afternoon, parties who claimed to represent the appointing power at Nashville, approached me. They said I would be appointed one of the two men from this state, but stated that I must first commit myself to vote for the Shelbyville and Winchester route between Chattanooga and Nashville. I declined it, as I did not want an appointment under such terms, and told the representatives to please communicate with the powers who had the appointment to make that I would not accept any appointment with a string tied to it; and to please be certain to advise whoever sent the communication to see that no further communications of this character be sent to me. They did not stop at that. I was presented with the same thing by different people two or three times on Tuesday and Wednesday. I gave the same answer to each one of them. Only one of these emissaries suggested the Manchester route; not one of them suggested the McMinnville route. I was assured Tuesday and also Wednesday that if I would agree to their suggestions to commit myself in advance that my appointment would appear in the paper on Tuesday. I sent word back through the same source and asked that they communicate with the governor and tell him to have his friends and advisers to cease making such propositions.

"I learned from reliable sources on Wednesday that the appointing powers had offered to appoint a well-known gentleman of high integrity for political reasons, and he declined it. This same gentleman had made a speech on the platform of the Auditorium on Saturday, declaring in favor of, and recommending, the route by Shelbyville and Winchester. I saw then there was no use for the Dixie Highway association to remain quiet longer, as the agreement between us had been violated by the state of Tennessee; hence the actions we took, as we wanted the road commenced and wanted it built at once.

NEVER HAS BEEN OPPOSED TO NASHVILLE.

"I have never been, and am not now, opposed to any route through Nashville. I think the state capital ought to be connected with this highway, if it is possible. I think the state capital of every state through which it runs ought to be considered and try to locate through these points.

"I tried in every possible way to put a stop to such overtures being made from the very first. I did not want to embarrass any one, but I had stood all the suggestions that any honorable man could submit to, and there were only two things for me to do; one was for me to personally abandon all connection with the Dixie Highway association and let the politicians run it, or for me to stand by the Dixie Highway association, irrespective of results. I propose to stand by the Dixie Highway association and see the road built, if feasible. The Dixie Highway association has no plans and is open to suggestions by the people most interested. "April 9, 1915." C. E. JAMES.